

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA )

v. )

SCOTTIE LEE MARTINEZ )

Defendant. )

CRIMINAL NO. 2:10cr 122

STATEMENT OF FACTS

The parties stipulate that the allegations in Counts One, Two and Three of the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. Beginning in or about May 2001, Scottie Lee MARTINEZ, an active duty officer in the United States Navy (USN) at that time, was stationed at Naval Air Station Keflavik, Iceland (NAS Keflavik). In or about June 2004, MARTINEZ completed his duty at NAS Keflavik. MARTINEZ lived in military housing located within NAS Keflavik while stationed there.
2. NAS Keflavik is within the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. § 7.
3. Between in or about May 2001 and June 2004, on NAS Keflavik, MARTINEZ knowingly engaged in and caused sexual contact with a person who at that time was between the ages 7 and 9 years-old. To wit, MARTINEZ intentionally touched the anus of "Jane Doe 3" in the master bedroom of his residence on NAS Keflavik during that time period.
4. MARTINEZ was released from active duty with the USN on or about August 31, 2004.
5. After MARTINEZ's release from active duty, MARTINEZ joined the USN Reserves.

6. In late June 2009, MARTINEZ was activated as a USN Reservist, whereupon he traveled to Norfolk, Virginia, to prepare for deployment to Qatar. MARTINEZ traveled to Norfolk with his personal laptop computer, a SONY Vaio containing a Western Digital hard disk drive bearing the serial number WXM409NP1761. On or about July 3, 2009, MARTINEZ traveled to South Carolina for training prior to deploying to Camp As Sayliyah, Qatar. Later that month, MARTINEZ traveled to Qatar with his personal laptop computer. MARTINEZ returned to Norfolk from Qatar on or about March 12, 2010.

7. Norfolk, Virginia is within the Eastern District of Virginia.

8. MARTINEZ obtained the personal laptop computer in approximately 2008 while residing in Dumfries, Virginia.

9. Dumfries, Virginia, is within the Eastern District of Virginia.

10. On or about March 1, 2010, a Captain with the United States Air Force (USAF) located at Camp As Sayliyah, Qatar, notified the Provost Marshal Office, Camp As Sayliyah, Qatar, that she identified suspected child pornography while logged onto the office network. The Captain stated that while she was utilizing the office "white line," an Internet line used in the office that allowed deployed Government users to surf the Internet, she opened the Home Sharing feature in the iTunes software application on her personal computer and saw a file named "(pthc) R@ygold\*\*\*\*11yo" in the shared electronic library titled "Scottie's Frostwire Tunes." The Captain recognized the title as suspected child pornography from her experience as trial counsel at her home installation of Minot Air Force Base. The Captain described "pthc" as the acronym for pre-teen hard core and "R@ygold" as the name of a child pornography series. The Captain stated the "\*\*\*\*" stood for a portion of the filename she could not remember. The Captain

contacted a Chief Petty Officer with the USN, and another Captain with the USAF (Officer 2), to attempt to identify the individual connected to the white line with the Home Share application open.

11. Officer 2 walked through the office spaces to find who was connected to the white line. Officer 2 knocked on Scottie Lee MARTINEZ's office door and MARTINEZ told Officer 2 to come in. Officer 2 saw on MARTINEZ's personal laptop computer that iTunes was running with Home Share activated. MARTINEZ had his iPod connected to the laptop computer. Officer 2 assisted MARTINEZ to attempt to transfer a photo from his laptop to the iPod and then, when unsuccessful, MARTINEZ closed the laptop. Officer 2 reported the finding and the originaly USAF Captain attempted to reconnect to "Scottie's Frostwire Tunes," however the connection was lost to that account.

12. On March 1, 2010, a USAF Security Forces Investigator, Camp As Sayliyah, obtained written consent from MARTINEZ for the search and seizure of his personal laptop computer and Apple iPod. On March 2, 2010, the USAF Security Forces Investigator obtained written consent from MARTINEZ for the search and seizure or items from MARTINEZ's living quarters.

13. A forensic analysis was performed on MARTINEZ's personal laptop computer by J3-MEDEX Lab technicians, which resulted in a report of thousands of pornographic images and videos, several of which depicted suspected child pornography, as defined by 18 U.S.C. § 2256(8), and files names which included terms indicative of child pornography to include, but not limited to: 10yo, preteen, kiddie, child, underage, incest, pedo, illegal, 15 years, young, angel, Lolita, step daughter, jailbait, youth, nymphets, 3yo, babyshivid, pedofilia, 8 yr old,

reelkiddymov, pthc, 7yo, kinder, kids, 14y, grade 4, pupil, r@ygold, boyorgie, 11yo, and young boylovers.

14. The evidence seized by the USAF Security Forces Investigator pursuant to the consensual search and seizure was transferred to the Navy Criminal Investigative Service (NCIS), whereupon a forensic specialist assigned to the NCIS Atlantic Cyber Division initiated additional forensic analysis of the electronic media. The analysis resulted in the identification of over 3000 images of minors engaged in sexually explicit conduct, as defined by 18 U.S.C. § 2256(2), including images of prepubescent minors engaged in sexual acts with adults. Of those images, 44 known child pornography images were identified in the FBI Child Victims Identification Program (CVIP) index. The files were created starting in March 2008 and continued until January 2010. The images were located on MARTINEZ's personal laptop computer seized at Camp As Sayliyah, Qatar.

15. In addition to these images, approximately 600 additional images and videos were found on the Sony Vaio computer depicting Jane Doe 1, a minor as defined by 18 U.S.C. § 2256(1). The images and videos depict Jane Doe 1 sleeping, clothed, nude, and engaged in sexual activity with MARTINEZ. The sexual activity included oral sex, vaginal penetration, anal penetration, kissing, fondling, and use of sex toys.

16. On or about May 21, 2009, in Dumfries, Virginia, MARTINEZ employed, used, persuaded, induced, enticed, and coerced Jane Doe 1, who was 11 years-old at that time, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. To wit, MARTINEZ produced a video bearing the file name "2009\_05\_21\_last11yo fuck with [MARTINEZ].mpg." The video depicts MARTINEZ and Jane Doe 1 engaged in

sexually explicit conduct, as defined by 18 U.S.C. § 2256(2). The video was produced using materials manufactured outside of the state of Virginia.

17. The earliest-produced images and videos located on MARTINEZ's seized computers depicting Jane Doe 1 in sexually explicit conduct appear to have been made by MARTINEZ in July 2006, when Jane Doe 1 was 9 years-old, and the latest-produced images appear to have been made by MARTINEZ in December 2009, when Jane Doe 1 was 12 years-old.

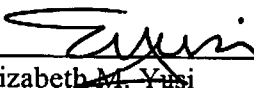
18. The forensic analysis also revealed several images on the Sony Vaio computer depicting Jane Doe 2, a minor as defined by 18 U.S.C. § 2256(1). The images depict Jane Doe 2 nude and engaged in sexually explicit conduct, as defined by 18 U.S.C. § 2256(2).

19. On or about May 30, 2009, in Dumfries, Virginia, MARTINEZ employed, used, persuaded, induced, enticed, and coerced Jane Doe 2, who was 5 years-old at that time, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. To wit, MARTINEZ produced an image bearing the file name "2009\_05\_30\_self\_shots\_02.jpg" The image depicts Jane Doe 2 engaged in sexually explicit conduct, as defined by 18 U.S.C. § 2256(2). The image was produced using materials manufactured outside of the state of Virginia.

20. SCOTTIE LEE MARTINEZ's last known residence is located in Dumfries, Virginia, which is located within the Eastern District of Virginia.

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

By: \_\_\_\_\_




Elizabeth M. Yusi  
Assistant United States Attorney

*U.S. v. SCOTTIE LEE MARTINEZ, 2:10cr*

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, SCOTTIE LEE MARTINEZ, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
SCOTTIE LEE MARTINEZ

I am SCOTTIE LEE MARTINEZ's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
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Greg D. McCormack, Esq.  
Counsel for Defendant